

EXHIBIT 3

REDACTED VERSION

OF DOCUMENT

SOUGHT TO BE SEALED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

PLAINTIFF,

CASE NO.

VS.

3 : 17-CV-00939-WHA

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO

TRUCKING LLC,

DEFENDANTS.

HIGHLY CONFIDENTIAL - OUTSIDE COUNSEL ONLY

VIDEOTAPED DEPOSITION OF ALEX COOPER

PALO ALTO, CALIFORNIA

WEDNESDAY, AUGUST 23, 2017

VOLUME I

Reported By:

MEGAN F. ALVAREZ, RPR, CSR No. 12470

Job No. 2686086

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1 BY MS. DAVIS: 09:42:10

2 Q. Sure. Start with that one first. 09:42:11

3 A. Not as I recall. 09:42:13

4 Q. Did he give you any opinions as to Tyto 09:42:16

5 more generally? 09:42:18

6 A. After the visit, we had a debrief session 09:42:20

7 with Anthony. And as I recall, he felt that -- that 09:42:24

8 the Tyto sensor was a -- was a nice sensor or they 09:42:29

9 had done nice work. As far as I recall, that was 09:42:33

10 about the extent of his -- his opinion. 09:42:37

11 Q. I'm going to hand you a previously marked 09:43:24

12 exhibit, 1752, which is WAYMO-UBER-00010459. 09:43:26

13 Go ahead and look up when you're done 09:43:46

14 reading. 09:43:48

15 A. Okay. 09:48:31

16 Q. And are those your notes from the Tyto 09:48:33

17 visit? 09:48:35

18 A. I believe so. 09:48:36

19 Q. And did you author the notes? 09:48:37

20 A. Yes. 09:48:39

21 Q. And do they accurately represent your 09:48:40

22 visit? 09:48:42

23 A. As I recall, yes. 09:48:43

24 Q. And the notes look like the tour was 09:48:55

25 pretty comprehensive. Do you agree? 09:48:57

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1 MR. ZADO: Objection as to form. 09:49:00

2 THE WITNESS: That depends on your 09:49:01

3 definition of "comprehensive." Yes, I think it was 09:49:02

4 a fairly normal kind of a tour you would expect. 09:49:05

5 BY MS. DAVIS: 09:49:08

6 Q. Did they give you full access to their 09:49:09

7 facility? 09:49:11

8 MR. ZADO: Objection as to form. 09:49:12

9 THE WITNESS: We were shown certain 09:49:13

10 things. Other things we were not shown. 09:49:16

11 BY MS. DAVIS: 09:49:18

12 Q. What were you not allowed to see or what 09:49:18

13 were you not shown? 09:49:21

14 A. I don't know. 09:49:23

15 Q. So there wasn't anything that you wanted 09:49:23

16 to see that you were not permitted to see? 09:49:24

17 A. Not as I recall. 09:49:27

18 Q. Were there any rooms that you weren't 09:49:33

19 allowed to go into? 09:49:34

20 A. I don't recall. 09:49:38

21 Q. And on your visit, did you see anything 09:49:43

22 that looked like Google technology? 09:49:45

23 MR. ZADO: Objection as to form. 09:49:51

24 THE WITNESS: At that point, I was not 09:49:52

25 familiar with the Google technology, so I couldn't 09:49:53

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1 have made that evaluation. 09:49:56

2 BY MS. DAVIS: 09:49:58

3 Q. But you didn't see anything that you knew 09:49:59

4 was Google technology; is that correct? 09:50:00

5 MR. ZADO: Objection as to form. 09:50:02

6 THE WITNESS: I didn't see anything that I 09:50:04

7 recognized as Google property. 09:50:05

8 BY MS. DAVIS: 09:50:08

9 Q. And Tyto fully showed you their -- their 09:50:13

10 LIDAR system; is that correct? 09:50:17

11 MR. ZADO: Objection as to form. 09:50:19

12 THE WITNESS: I would not say they fully 09:50:20

13 showed us their system. They showed us -- they 09:50:22

14 showed us certain parts. Obviously there were some 09:50:23

15 parts they most likely did not show us. But, again, 09:50:29

16 I don't know what those would have been since we 09:50:33

17 didn't see them. 09:50:35

18 BY MS. DAVIS: 09:50:36

19 Q. But they opened up and showed you the 09:50:37

20 inside of the unit; isn't that correct? 09:50:39

21 MR. ZADO: Objection as to form. 09:50:41

22 THE WITNESS: I recall seeing components, 09:50:43

23 some of the internals. 09:50:44

24 BY MS. DAVIS: 09:50:49

25 Q. Did you ask to see any other part of the 09:50:51

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1 unit? 09:50:53

2 A. I don't recall the specifics of what we 09:50:54

3 asked for. 09:50:56

4 Q. Do you recall being denied being shown any 09:50:57

5 part of the unit? 09:51:00

6 A. I don't recall. 09:51:05

7 Q. But if the unit was based on Google 09:51:06

8 technology, would -- why would they show you the 09:51:12

9 inside of the unit? 09:51:14

10 MR. ZADO: Objection as to form. 09:51:15

11 THE WITNESS: I don't know what they would 09:51:17

12 do or not do. I would be speculating. 09:51:19

13 BY MS. DAVIS: 09:51:21

14 Q. And when they showed you the inside, did 09:51:26

15 you recognize anything as Google -- Google 09:51:28

16 proprietary information? 09:51:29

17 MR. ZADO: Objection as to form. 09:51:33

18 THE WITNESS: As I said previously, I 09:51:37

19 would not have been able to make that determination 09:51:38

20 since I didn't know about the Google technology. 09:51:41

21 BY MS. DAVIS: 09:51:43

22 Q. Did you take any photographs or take any 09:51:44

23 additional notes as to the technology? 09:51:47

24 MR. ZADO: Objection as to form. 09:51:50

25 THE WITNESS: I don't recall taking any 09:51:52

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1 photographs. 09:51:53

2 BY MS. DAVIS: 09:51:54

3 Q. Okay. And did Anthony stay with you the 09:51:54

4 entire visit to Tyto? 09:52:03

5 A. As I recall, he arrived late. And I 09:52:06

6 believe we all left at about the same time. 09:52:09

7 Q. Okay. And did he prevent you from seeing 09:52:13

8 anything at Tyto? 09:52:16

9 A. Not as I recall. 09:52:18

10 Q. Is there anything not in the notes that 09:52:32

11 you recall from your Tyto visit? 09:52:33

12 A. This was a long time ago. The notes 09:52:38

13 roughly match with what I recall. I don't recall 09:52:40

14 anything specifically different. 09:52:44

15 Q. And I guess what were your general 09:52:50

16 impressions after you left Tyto? Did you think that 09:52:54

17 they were going to be a possible vendor or 09:52:57

18 something -- someone who you would collaborate with 09:52:59

19 at Google? 09:53:02

20 A. At that stage, it was too early to make 09:53:03

21 that determination. Clearly there was potential, 09:53:07

22 and we were interested to continue working with 09:53:08

23 them. 09:53:11

24 Q. Was their LIDAR system ready to be 09:53:26

25 utilized in its current form at Google at that 09:53:30

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1 point? 09:53:34

2 MR. ZADO: Objection as to form. 09:53:39

3 THE WITNESS: Are you referring 09:53:42

4 specifically to Street View or some other part of 09:53:43

5 Google or... 09:53:46

6 BY MS. DAVIS: 09:53:47

7 Q. For your use, for Street View's use. 09:53:47

8 A. I believe at that point we did not think 09:53:50

9 it was ready, but we had not made a full -- what's 09:53:52

10 the word? We had not evaluated the system 09:53:57

11 sufficiently to make that determination. 09:54:01

12 Q. And what were your -- what were your next 09:54:06

13 steps after your visit to Tyto with regards to Tyto? 09:54:08

14 A. As I recall and I was -- as written in the 09:54:12

15 notes, we wanted to get an evaluation system loaner 09:54:15

16 to try it out and -- under our own conditions. And 09:54:18

17 so I believe the discussion moved in that direction. 09:54:22

18 Q. And did you end up receiving a loaner unit 09:54:26

19 to test? 09:54:29

20 A. We did. 09:54:30

21 Q. And do you recall when that was? 09:54:31

22 A. I don't recall specifically, but I believe 09:54:33

23 it was late summer. 09:54:34

24 Q. And did you discuss -- scratch that. 09:55:18

25 After your initial visit to Tyto, was 09:55:43

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1 there any discussion of [REDACTED]? 09:55:45

2 A. After the initial visit, no. Later on, 09:55:52
3 yes. 09:55:55

4 Q. And did you ever have any discussions with 09:55:56
5 Rom Clement about potentially whether -- scratch 09:56:00
6 that. 09:56:03

7 Did you have any discussions with 09:56:04

8 Rom Clement or Bob MacDonald about [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] 09:56:13

11 A. Yes. 09:56:14

12 Q. And did you view [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] 09:56:32

16 MR. ZADO: Objection as to form. 09:56:34

17 THE WITNESS: I didn't have any specific 09:56:35
18 plans. 09:56:37

19 BY MS. DAVIS: 09:57:14

20 Q. And you said you had an internal debrief 09:57:14
21 after the Tyto visit; is that correct? 09:57:17

22 A. Yes. 09:57:19

23 Q. And when did that happen? 09:57:20

24 A. Sometime after the meeting. I don't 09:57:23
25 recall exactly when. 09:57:25

1 CERTIFICATE OF REPORTER

2 I, the undersigned, a Certified Shorthand
3 Reporter of the State of California, do hereby
4 certify:

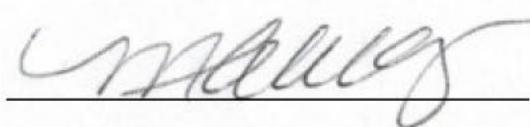
5 That the foregoing proceedings were taken
6 before me at the time and place herein set forth;
7 that any witnesses in the foregoing proceedings,
8 prior to testifying, were administered an oath; that
9 a verbatim record of the proceedings was made by me
10 using machine shorthand, which was thereafter
11 transcribed under my direction; and that the
12 foregoing is an accurate transcription thereof.

13 Further, that if the foregoing pertains to
14 the original transcript of a deposition in a federal
15 case, before completion of the proceedings, review
16 of the transcript [] was [X] was not requested.

17 I further certify that I am neither
18 financially interested in the action, nor a relative
19 or employee of any attorney of any party to this
20 action.

21 IN WITNESS WHEREOF, I have this date
22 subscribed my name.

23 DATED: August 24, 2017

24 
MEGAN F. ALVAREZ

25 CSR No. 12470, RPR